

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEPHEN ANJORIN,

Plaintiff,

V

Case: 2:16-cv-10893
Judge: Cox, Sean F.
MJ: Majzoub, Mona K.
Filed: 03-11-2016 At 04:46 PM
CMP ANJORIN V. CITY OF DETROIT ET AL (DA)

CITY OF DETROIT, a Municipal Corporation,

DETROIT POLICE CHIEF JAMES CRAIG

BOULEVARD & TRUMBULL, Michigan Corporation,

Defendants,

Stephen Anjorin, In Pro se

2440 W. Euclid Street,

Detroit, MI 48206

248.904.3112

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Attorney for the 1st & 2nd Defendants

2, Woodward Street, Suite 500

Detroit, MI 48226

313.237.3049

Attorney for 3rd Defendant

2411 Vinewood Street

Detroit, MI 48216

313.202.1700

COMPLAINT

NOW COMES the Plaintiff In pro se, by and through himself and for his Complaint against the Defendants states as follows:

INTRODUCTORY AND JURISDICTIONAL STATEMENTS

This is an action for money damages brought pursuant to **42 U.S.C 1983 AND THE 4TH 5TH and fourteenth Amendment to the U.S Constitution**, and under the statutes and common law of the state of Michigan against these named Defendants in their

individual capacities and/or official capacities against the City of Detroit, Michigan. It is alleged that the Defendants, while acting under the color of law and in the scope and course of their employment as police officers, came to Plaintiff's dwelling house invaded his privacy, without justification removed his 4 vehicles from his driveway/garage, damaged the cars. Entered Plaintiff's dwelling without a valid warrant and searched Defendant's house and acted with grossly negligent conduct, and violated Plaintiff's right under the Federal laws, Michigan statutory laws, and his constitutional rights.

PARTIES

2. Stephen Anjorin, Plaintiff, was at all times herein a resident of the City of Detroit, county of wayne, state of Michigan.

3. Defendant City of Detroit is a Municipal Corporation incorporated under the laws of the state of Michigan.

4. The two Detroit Police officers were at all times relevant to this complaint, Police officers employed by the City of Detroit acting under the color of law, and within the scope of authority and course of their employment.

5. Defendant chief James Craig, at all times relevant to this complaint, was the official with final policy making authority relevant hereto.

6. As to the Negligent conduct of the Defendants, it is alleged that the Defendants caused the injuries to the Plaintiff while acting in their course of employment or service or on behalf of their governmental employer and:

(a) Defendants were acting or reasonably believed that they were acting within the scope of their authority.

(b) The governmental agency was engaged in the exercise or discharge of governmental function, and

(c) The Defendants conduct amounted to gross Negligence that was the proximate cause of the injury or the damage.

(i) The acts were undertaken during the course of employment and the employee were acting or reasonably believe were acting within their scope of authority,

(ii) The acts were undertaken with lack of good faith, or were undertaken with malice, and

(iii) The acts were not discretionary.

7. The amount in controversy exceeds seventy-five thousand(\$75,000.00)Dollars.

8. All events, transactions, or occurrences pertinent hereto, occurred within the county of Wayne.

9. Upon information and belief, the individual Defendants reside in the county of Wayne, State of Michigan.

FACTUAL ALLEGATIONS

10. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

11. On September 29, 2014, at approximately 7.00 A.M While Plaintiff was in bed sleeping in his House at the location of 2440 West Euclid Street, Detroit Michigan, he hears a noise from downstairs

12. On coming out of the building, Plaintiff went down. Plaintiff saw two Policemen who told him that they were from City of Detroit police officers.

13. On the street were two tow trucks belonging to the third Defendant.

14. The employees of the third Defendant were removing the Plaintiff's property/vehicles.

15. Plaintiff inquired to know why the third Defendant was removing his cars, was told by the officers that they were stolen property.

16. Plaintiff denied the allegations was told to produce the title, registration and insurance belonging to him.

17. Plaintiff produced the title, registration and the insurance to the TOYOTA/COROLLA 1998, but was able to provide only the title belonging to the MERCEDES BENZ ML 320 1999, JEEP CHEROKEE 2003 AND THE TOYOTA/CAMRY 2008.

18. After a lot of argument with a payment of less than \$100.00, the Toyota Corolla was released. The other three cars taken to custody based on investigation.

19. While removing the cars from the Plaintiff, it was discovered that the four Tires and the rim to the TOYOTA/CAMRY were damaged and also the right fender and door were ripped off.

20. Plaintiff was given the address location of the third Defendant.

21. On or about 10-5-2014, Plaintiff went to the third Defendant company to recover his car where the supervisor told the Plaintiff that his cars were probably towed due to no plate.

22. While Plaintiff went to recover his property from the third Defendant, it was discovered that the right mirror of the Mercedes had been damaged and the hub cap had been removed.

23. On or about 10-7-14, Plaintiff went to the 10th precinct to make a formal complaint, requested to speak to the supervisor where he was told that the cars were towed due to violation of Environmental laws.

24. That it was discovered that when Plaintiff recovered his Toyota Camry, the car could not move on drive.

25. That the estimated amount of damages to the cars was \$14,000.00.

26. That Plaintiff paid an estimated amount of \$1,200.00 for storage fees.

27. That up till date the Plaintiff through frantic efforts has not been able to get the requested Police Report.

COUNT 1: GROSS NEGLIGENCE

28. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

29. Defendants owed Plaintiff a duty to perform their law enforcement duties competently without causing unnecessary injury or harm.

30. That the third Defendant and the officers acted negligently and were reckless when they forcefully dragged Plaintiff's car without requesting for the keys thereby causing damages to those cars.

31. The Defendants breached said duty by failing to properly investigate and failing to stop each other from knowingly violating the constitutional rights of Plaintiff.

32. That each Defendant's conduct was so reckless as to demonstrate a substantial lack of concern as to whether or not an injury occurred, amounting to Gross Negligence as defined by MCL 691.1407(2) ET SEQ, MSA 3.996(107)et seq.

33. As direct and proximate result of each Defendant's acts and omissions, Plaintiff suffered injury and damage as more set forth below.

COUNT 2: 42 USC 1983 AGAINST THE INDIVIDUAL DEFENDANTS

34. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

35. By reason of their acts set forth in the complaint, the individual Defendants acted under the color of law and with oppression and malice to Plaintiff, to the deprivation of his rights and privileges and immunities secured by the constitution and laws to wit;

(a) The right to be deprived of liberty and property without due process of law , as secured by 4th, 5th and 14th Amendments to the constitution of the United States of America;

(b) The rights to be free from illegal search and seizure, unlawful seizure of property and invasion of privacy as provided by the 4th, 5th and 14th Amendments to the U.S Constitution.

36. The Defendants conduct was in accordance with the practice, usage policy and procedures, and/or customs of their employer Defendant City of Detroit, said policies of deliberate indifference to Plaintiff's rights as secured under the U.S Constitution.

37. As a direct and proximate result of the Defendant's conduct, Plaintiff suffered the damages as set forth herein.

COUNT 3: 42 U.S.C 1983 AGAINST THE CITY OF DETROIT

38. Plaintiff incorporates all preceding paragraphs as if fully set forth therein.

39. The above-described conduct of the individual Defendants was performed under the color of law while they were working as officers for the Defendant City of Detroit.

40. Defendant City knew or should have known that of these Defendants propensity for such unconstitutional conduct.

41. The Defendant City of Detroit failed to safeguard against said known unconstitutional conduct and such failure amounted to tacit approval of said conduct and Defendant City is directly liable for violation of Plaintiff's liberty, property and bodily interests, and rights to be free from unreasonably search and seizure of property.

42. Defendant's City has a long custom, pattern and/or practices of failing to take disciplinary action to correct or remedy the unlawful conduct of Defendant officers and other Detroit officers who engaged in similar conduct.

43. The Defendant City had a custom, pattern and/or practices of failing to take disciplinary action to correct or remedy the unlawful conduct of Defendants officers and other Defendants officers who engaged in similar conduct.

44. The Defendants officers had a custom , pattern and/or practice of failing to supervise and/or train Defendants officers who engaged in similar conduct.

45. Defendant City has a long standing custom , pattern, and/or practice of demonstrating deliberate indifference to unreasonable , inadequate and deficient investigations , illegal searches and seizures, unlawful property seizure as complained against the officers herein.

46. Defendant City demonstrated deliberate indifference by adherence to, application and interpretation of, and/or acquiescence in the following policies, customs, patterns, and practices which are wholly defective.

- a. Failing to adequately screen active duty policemen and new recruits for propensities for abuses of power and psychological disturbances which could foreseeably endanger citizens;
- b. Tacitly approving an unwritten custom of failing to discipline officers who made unreasonable, inadequate and deficient investigations, illegal or unreasonable searches and seizures and unlawful seizure of citizens property.
- c. Failing to adequately investigate complaints against officers who were claimed to have performed unreasonable search and seizures and unlawfully removing citizens property.
- d. Failing to train officers regarding proper investigations of crime under these circumstances, searches and seizures.

47. Defendant City was aware of facts from which the inference could be drawn that a substantial risk of serious injury/harm existed, and was conscious of risk of harm posed by the conduct of the Defendants officers.

48. The failure of the Defendant City, under the circumstance to properly supervise, train and/or discipline Defendants officers and officers engage in similar misconduct was objectively unreasonable and demonstrated a deliberate indifference to incidents and complaints against its officers, and deliberate indifference to the rights of persons of such Plaintiff.

49. As a direct and proximate result of the acts and omissions of Defendant City, Plaintiff suffered severe injury and damages as set forth herein.

COUNT 4: SUPERVISORY LIABILITY AGAINST JAMES CRAIG

50. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

51. Defendant James Craig while under the color of law, by acts and omissions, did affirmatively subject Plaintiff to deprivation of his rights, privileges and immunities as secured by the constitution of United States as follows:

- a. The right not to be deprived of liberty or property without due process of law as provided by the 4th, and 14th Amendment to the U.S Constitution.
- b. The right to be secured in his person as provided by the 4th and 14th Amendments to the U.S Constitution.

52. Defendant James Craig by engaging, and/or explicitly and/or implicitly authorizing, approving and/or knowingly acquiescing in constitutional conduct as set forth in this complaint, did affirmatively subject Plaintiff to deprivation of his rights, privileges and immunities as secured by the U.S Constitution.

53. The acts and omissions of the Defendants were under the color of law, and were in accordance with practice, usage, policy and procedures , and customs of deliberate indifference to Plaintiff's rights as secured under the U.S Constitution of the Defendant City of Detroit.

54. As a direct and proximate result of the acts and omissions of Defendant James Craig, Plaintiff suffered severe injury and damages as set forth herein.

COUNT 5: VIOLATION OF 42 U.S.C 1983; CONSPIRACY TO VIOLATE THE CIVIL RIGHTS OF STEPHEN ANJORIN

55. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

56. The individual Defendants named herein conspired and committed malicious acts in furtherance of their Conspiracy to deprive Plaintiff of his Civil Rights under the law, depriving him of his Rights and privileges granted to citizens of the United States of America.

57. All Individual Defendants conspired and committed acts in furtherance of a conspiracy to wit: seize Plaintiff's property without justification, thereby depriving him of his Civil rights to liberty under the Constitution of the United States of America.

58. Each of the Defendants acted in furtherance of their conspiracy by engaging in one or more acts set forth in his Complaint.

59. As a direct and proximate result of the conspiracy and acts in furtherance thereof, Plaintiff suffered injury and damages as set forth herein.

DAMAGES

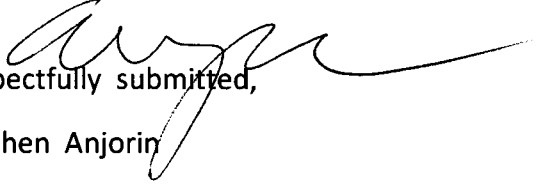
60. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

61. As the direct and proximate result of the conduct of Defendants, Plaintiff suffered injuries and damages, including, but limited to:

- a. Humiliation, embarrassment, shock, fear, outrage;
- b. Severe emotional distress; and mental injury
- c. Loss of Liberty
- d. Unwanted Intrusion of his Personal Liberty
- e. Other Economic Injury
- f. Invasion of Peaceful Enjoyment of property
- g. Other Damages Currently unascertainable

h. Exemplary damages as provided by the court rules and statutes, including but not limited to 42 U.S.C 1988.

WHEREFORE Plaintiff respectfully request that this Honorable court award damages in the amount of \$2.014M, Plus interest from the day of judgment till payment. Plaintiff further requests an award for damages and such other and further relief as is consistent with law and which this Honorable court deems just and proper.


Respectfully submitted,

Stephen Anjorin

2440 West Euclid Street

Detroit, MI 48206

248-904-3112

gbengaanjorin@yahoo.com

Dated: March 10, 2016

Civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

(a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff

WAYNE

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

STEPHEN ANJORIN
2, WOODWARD AVE, SUITE 200
DET, MI 48226

DEFENDANTS

County of Residence of First Listed Defendant

WAYNE

(IN U.S. PLAINTIFF CASES ONLY)

IN ALL OTHER CASES, USE THE LOCATION OF

Case: 2:16-cv-10893

Judge: Cox, Sean F.

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CMP ANJORIN V. CITY OF DETROIT ET AL (DA)

BASIS OF JURISDICTION (Place an "X" in One Box Only)

U.S. Government Plaintiff

☒ 3 Federal Question
(U.S. Government Not a Party)

U.S. Government Defendant

☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZEN

(For Diversity Cases Only)

Citizen of This State

☒ PTF 1
☒ DEF 1

Incorporated or Principal Place of Business In This State

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business In Another State

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

Plaintiff

☒ PTF 4
☒ DEF 4

and one box for Defendant

☐ 5 ☐ 5

☐ 6 ☐ 6

NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	LABOR	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 0 Insurance <input type="checkbox"/> 0 Marine <input type="checkbox"/> 0 Miller Act <input type="checkbox"/> 0 Negotiable Instrument <input type="checkbox"/> 0 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 0 Medicare Act <input type="checkbox"/> 0 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 0 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 0 Stockholders' Suits <input type="checkbox"/> 0 Other Contract <input type="checkbox"/> 0 Contract Product Liability <input type="checkbox"/> 0 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY: <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 IIIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAXES <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> Land Condemnation <input type="checkbox"/> Foreclosure <input type="checkbox"/> Rent Lease & Ejectment <input type="checkbox"/> Torts to Land <input type="checkbox"/> Tort Product Liability <input type="checkbox"/> All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

RIGIN (Place an "X" in One Box Only)

Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983 & 14TH AMENDMENTS
 Brief description of cause: UNLAWFUL SEARCH & SEIZURE OF PROPERTY

REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

OFFICE USE ONLY

PT # AMOUNT APPLYING IFP

JUDGE

MAG. JUDGE

☐ Yes☒ No

Case No.: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes☒ No

Court: _____

Judge: _____

New LawsUIT Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

<input type="checkbox"/>	Two (2) completed Civil Cover Sheets.	Case: 2:16-cv-10893 Judge: Cox, Sean F. MJ: Majzoub, Mona K. Filed: 03-11-2016 At 04:46 PM CMP ANJORIN V. CITY OF DETROIT ET AL (DA)
<input type="checkbox"/>	Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank. <div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: center; margin-right: 10px;"> $\frac{3}{\text{\# of Defendants}}$ </div> <div style="text-align: center; margin-right: 10px;"> $+ 2 =$ </div> <div style="text-align: center; margin-right: 10px;"> $\frac{5}{\text{Total}}$ </div> <div style="text-align: center;"> Complaints. </div> </div> Received by Clerk: <u>5</u> Addresses are complete: _____	

<input type="checkbox"/>	If any of your defendants are government agencies : Provide two (2) extra copies of the complaint for the U.S. Attorney and the Attorney General.
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If Paying The Filing Fee

If Asking That The Filing Fee Be Waived

<input type="checkbox"/>	Current new civil action filing fee is attached. Fees may be paid by check or money order made out to: <div style="text-align: center; margin-top: 10px;"> <i>Clerk, U.S. District Court</i> </div> Received by Clerk: _____ Receipt #: _____	<input type="checkbox"/>	Two (2) completed Application to Proceed in District Court without Prepaying Fees or Costs forms. Received by Clerk: _____
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Select the Method of Service you will employ to notify your defendants:

Service via Summons by Self

Service by U.S. Marshal (Only available if fee is waived)

Service via Waiver of Summons (U.S. Government cannot be a defendant)

<input type="checkbox"/> Two (2) completed summonses for each defendant including each defendant's name and address. Received by Clerk: _____	<input type="checkbox"/> Two (2) completed USM – 285 Forms per defendant, if you are requesting the U.S. Marshal conduct service of your complaint. <input checked="" type="checkbox"/> Two (2) completed Request for Service by U.S. Marshal form. Received by Clerk: _____	<input type="checkbox"/> You need not submit any forms regarding the Waiver of Summons to the Clerk. <u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:</u> <ul style="list-style-type: none"> One (1) Notice of a Lawsuit and Request to Waive Service of a Summons form per defendant. Two (2) Waiver of the Service of Summons forms per defendant. Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants.
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Clerk's Office Use Only

Note any deficiencies here: